

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, March 20, 2002, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Jon Carlson, Steve Duvall, Gerry Krieser, Roger Larson, Patte Newman, Greg Schwinn, Cecil Steward, Mary Bills-Strand and Tommy Taylor; Ray Hill, Jason Reynolds, Becky Horner, Brian Will, Tom Cajka, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

Chair Greg Schwinn called the meeting to order and requested a motion approving the minutes of the regular meeting held March 6, 2002. Bills-Strand moved to approve the minutes, seconded by Krieser and carried 8-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward and Taylor voting 'yes'; Bills-Strand abstaining.

### **CONSENT AGENDA**

#### **PUBLIC HEARING & ADMINISTRATIVE ACTION**

##### **BEFORE PLANNING COMMISSION:**

March 20, 2002

Members present: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor.

The Consent agenda consisted of the following items: **STREET AND ALLEY VACATION NO. 02002; WAIVER OF DESIGN STANDARDS NO. 02003; and FINAL PLAT NO. 01037, STONE RIDGE ESTATES ADDITION.**

Carlson moved to approve the Consent Agenda, seconded by Duvall and carried 9-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'.

Note: This is final action on the Stone Ridge Estates Addition Final Plat No. 01037, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**CHANGE OF ZONE NO. 3358**  
**FROM H-4 GENERAL COMMERCIAL TO**  
**R-2 RESIDENTIAL AND I-1 INDUSTRIAL,**  
**ON PROPERTY GENERALLY LOCATED AT**  
**S.W. 6<sup>TH</sup> AND WEST "A" STREET**

**and**

**CHANGE OF ZONE NO. 3351**  
**FROM H-4 GENERAL COMMERCIAL**  
**TO I-1 INDUSTRIAL,**  
**ON PROPERTY GENERALLY LOCATED**  
**AT S.W. 5<sup>TH</sup> AND WEST "A" STREET.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:** March 20, 2002

Members present: Newman, Taylor, Carlson, Steward, Duvall, Bills-Strand, Larson, Krieser and Schwinn.

Staff recommendation: Approval.

1. **Mark Hunzeker** appeared on behalf of Jake Von Busch, the applicant for Change of Zone No. 3351, to answer any questions. He believes this proposal has finally gotten to a boundary to which everyone has agreed.

Bob Stephens, the applicant for Change of Zone No. 3358, was also present to answer any questions.

There was no testimony in opposition.

Staff questions

Carlson stated that he appreciates that this has been worked out between the staff and the applicants. But he wants to make sure this is the correct way to solve the problem. We started this process because the Von Busch property (Change of Zone No. 3351) was having difficulties siting its use within the H-4 because it would drop below the minimum acreage requirement. Why isn't the Board of Zoning Appeals an alternative in order to have Von Busch function under the H-4? Why is expanding the I-1 the better alternative than simply letting us have the H-4 parcel be under 5 acres? Brian Will of Planning staff stated that in the initial staff report, the staff found that H-4 zoning was appropriate; however, if it were approved it would have created a nonstandard lot that is not in compliance and not consistent with the zoning ordinance. That report also stated that maybe before pursuing the creation of a nonstandard lot, there may be other options to consider. That is the point where the adjoining property

owner Stephens entered into this discussion. At that point, we were considering potentially rezoning all of the property to I-1. As we look at this area, it looks to be appropriate to rezone to I-1, understanding that initially part of the rationale for locating commercial zoning at this intersection was in part to address the need for the lack of commercial zoning in this area of the city. At this point, with the changes that have occurred out in this area, i.e. the commercial center at West A and Coddington, the staff believes that the commercial need has been addressed. So as we look at the other development in this area, it appears appropriate to have the I-1 zoning. If we were not attempting to provide commercial in this area, it probably would have been zoned I-1 previously.

Will agreed that the Board of Zoning Appeals is still an option. Another option would be to vacate S.W. 5<sup>th</sup> Street, and that may still be appropriate down the road. When looking at this intersection, staff has come to the conclusion that I-1 zoning is appropriate considering the pattern of development and zoning in this area, with one caveat--we cannot get around the fact of the residential zoning to the east.

Carlson knows in the past that there have been I-1 zoning decisions that have turned out to be troublesome in the future. I-1 can be difficult to site and it can allow applications that are difficult compatibility-wise for the surrounding areas. It is a fairly unrestricted zoning district for a variety of uses. In staff's opinion, is expanding the I-1 the best solution? Will's response was that the staff took a broader view and looked at the overall neighborhood including the properties to the north and south. There is already a pretty large area of I-1 zoning. There is really no point in maintaining the H-4 at this corner, considering other land use decisions that have already been made in this area.

Carlson was worried about potential for signage and billboards. Will believes there is potential for billboards but it may not be an issue because of proximity to the residential.

Response by the Applicant

Hunzeker advised that he did talk with the owner of the property to the west at the last meeting. His main concern was that he didn't want apartments across the street and he had no objection to this change of zone.

Public hearing was closed.

**CHANGE OF ZONE NO. 3358**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

March 20, 2002

Duvall moved approval, seconded by Bills-Strand.

Carlson indicated that in this situation he will lean on staff's expertise that this is probably the best solution for this area. He is hopeful that 10-20 years from now it hasn't turned out to be a poor decision. He has confidence that the future uses will be compatible and positive.

Motion for approval carried 9-0: Newman, Taylor, Carlson, Steward, Duvall, Bills-Strand, Larson, Krieser and Schwinn voting 'yes'.

**CHANGE OF ZONE NO. 3351**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

March 20, 2002

Steward moved approval, seconded by Bills-Strand and carried 9-0: Newman, Taylor, Carlson, Steward, Duvall, Bills-Strand, Larson, Krieser and Schwinn voting 'yes'.

**ANNEXATION NO. 01007**

**TO ANNEX PROPERTY GENERALLY**

**LOCATED AT SOUTH 56<sup>TH</sup> STREET**

**AND UNION HILL ROAD.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

March 20, 2002

Members present: Newman, Taylor, Carlson, Steward, Duvall, Bills-Strand, Larson, Krieser and Schwinn.

The Clerk advised that the staff recommendation of deferral has now been revised to a recommendation of approval, subject to an annexation agreement. The Law Department has advised that the annexation agreement is near completion and ready to be moved forward to the City Council.

**Proponents**

**1. Mark Hunzeker** appeared on behalf of the applicant and concurred that the requirement for an annexation agreement has been met.

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

March 20, 2002

Carlson moved approval, subject to an annexation agreement, seconded by Bills-Strand and carried 9-0: Newman, Taylor, Carlson, Steward, Duvall, Bills-Strand, Larson, Krieser and Schwinn voting 'yes'

**WAIVER OF DESIGN STANDARDS NO. 02001**  
**TO WAIVE STREET PAVING, SIDEWALKS, STORM**  
**SEWER AND STREET TREES ON PROPERTY**  
**GENERALLY LOCATED AT**  
**WEST "M" STREET AND SOUTH CODDINGTON AVENUE.**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

March 20, 2002

Members present: Newman, Taylor, Carlson, Steward, Duvall, Bills-Strand, Larson, Krieser and Schwinn.

Staff questions

Bills-Strand wondered whether a waiver of the sidewalks and street trees at this time would negate the opportunity to do a special assessment district later when other improvements have taken place in this area when it makes more sense. Tom Cajka of Planning staff stated that there would only be an opportunity to require the improvements at a later date if the owner came back later and wanted to replat to smaller lots. Dennis Bartels of Public Works explained that there is a procedure for establishing sidewalk districts whereby we could include this property in a district and require the sidewalks to be built. If street trees are waived now, there is no mechanism to come back unless the owner resubdivides again.

Bills-Strand suggested that if land closer to Homestead Expressway is developed, possibly these improvements could be required at that time. Bartels stated that this would not be possible unless this same property is included in that future plat.

Bills-Strand thought that an agreement had been reached whereby this owner would only have to pay for paving half of the street and be responsible for only half of the sewer, with the city picking up other half. Bartels indicated that this had been discussed in terms of the bond amount, which represents half the cost of street paving. There was no agreement on the sanitary sewer.

Steward made a motion to waive street trees only, seconded by Carlson. Steward clarified that he understands from the discussion last time, that the sidewalks would be required only on one side of the street in any event. Denial of the sidewalk waiver does not force the owner to construct sidewalks on both sides of the street. This motion only waives the requirement for street trees.

Motion carried 9-0: Newman, Taylor, Carlson, Steward, Duvall, Bills-Strand, Larson, Krieser and Schwinn voting 'yes'.

Chair Schwinn announced that the continued public hearing on 2025 Comprehensive Plan will be held March 27, 2002, beginning at 1:00 p.m. The meeting will begin with presentations by the staff on proposed amendments, followed by public testimony.

There being no further business, the meeting was adjourned at 1:25 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on April 3, 2002.

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